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UNCLAS SECTION 01 OF 11 GUATEMALA 000508

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SENSITIVE

STATE FOR G/TIP, WHA/PPC, DRL/IL AND WHA/CEN  
DEPARTMENT OF LABOR FOR ILAB  
DEPARTMENT OF JUSTICE FOR OPDAT

E.O. 12958: N/A

TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [GT](#)

SUBJECT: GUATEMALA ANTI-TIP REPORT

REF: STATE 7869

11. (SBU) Summary: The new Government of Guatemala took office on January 14, 2004, is giving TIP priority attention, and is building on initial progress by the outgoing government. The Ambassador and Embassy TIP Working Group met with the GOG Inter-Institutional Group to Combat TIP on February 25. The GOG Anti-TIP Group, hosted by Vice Minister of Foreign Affairs for Migration and Human Rights Marta Altolaquirre, conveyed the Berger Government's commitment to combat TIP, including through law enforcement actions, which we have incorporated in this report. The most notable GOG efforts over the past year included the signing and Congressional approval of the Trafficking Protocol of the Palermo Convention, the creation of a new anti-TIP prosecution unit in the Public Ministry, and the use of the Inter-Institutional Group to coordinate prospective GOG efforts in public education, law enforcement cooperation, and capacity building. While not yet fully meeting minimum standards in U.S. law, we are convinced that the new GOG has made and will continue to make serious and sustained efforts to eliminate TIP. End Summary.

12. (U) The following are responses to questions in Ref A.

13. (SBU) Country Overview:

1A. According to reports by ECPAT, the International Organization on Migration (IOM), the ILO, Casa Alianza, and an October 2002 report from the DePaul University International Human Rights Law Institute, Guatemala is a country of origin and transit for international trafficking of persons and, in some instances, is also a destination. The trafficking is by land, air, and sea, and it does occur within Guatemala's borders. Reliable statistics do not exist on the magnitude of the problem, although a recent Casa Alianza report demonstrates that one form of TIP, involving sexual exploitation of minors, involves hundreds of victims. Besides Guatemalans, other Central Americans are being trafficked in Guatemala. Victims trafficked to Guatemala are usually young women or children who are often brought in for sexual exploitation. Those trafficked from Guatemala for sexual exploitation are usually minors, both boys and girls, from poor families. Trafficking is intimately related to international migration issues, as the promise of arrival in the U.S. is often used to attract desperate Latin Americans.

-- ECPAT, in a report on TIP in Guatemala for the Regional TIP Workshop January 26-30, 2004, asserts (without producing supporting evidence) that Guatemala suffers from all forms of TIP: networks of traffickers for sexual exploitation and sexual tourism operate in Guatemala (the latter principally for Asian clients in the capital). It also cites isolated cases of child pornography, and the use of forced labor in agriculture, domestic service, manufacturing (less convincingly), street begging and as narco-trafficking mules.

1B. Trafficked persons come mainly from other Central American countries and Guatemala. Most are destined for the United States or Mexico. Some are destined for Guatemala. In addition to the trafficking of Latin Americans, smuggling of Chinese, Afghans, Egyptians, Pakistanis and Syrians has been noted in the past, and probably includes some cases of trafficking.

1C. Not to our knowledge.

1D. A confidential report by Casa Alianza in February 2004 indicates that trafficking of minors for prostitution involves hundreds of victims nationwide. Between November 2002 and August 2003 Casa Alianza visited 284 commercial establishments (bars, massage parlors, nightclubs, etc.) in 13 provinces and 32 different municipalities in Guatemala where it suspected minors were being sexually exploited. In 197 of these establishments, Central American minors were present. 179 minors were confirmed and 423 others who appeared to be less than 18 years old were observed. Many who appeared to be minors claimed to be over 18. In 85 establishments, minors were not observed. However, informants claimed that minors are often hidden from view for

exclusive clients. In two of the establishments, Casa Alianza investigators were barred entry.

-- Of the 668 minors observed by Casa Alianza, 288 were from Guatemala, 115 were of undetermined national origin, 100 from Honduras, 98 from El Salvador, 61 from Nicaragua, 3 from Belize and 3 from Costa Rica. Within Guatemala, 411 of these minors were found in Guatemala province, 9 in Sacatepequez, 50 in Escuintla, 15 in Chiquimula, 2 in Baja Verapaz, 8 in Huehuetenango, 46 in Izabal, 23 in Jutiapa, 55 in Peten, 20 in Quetzaltenango, 5 in Retalhuleu, 25 in San Marcos, and 7 in Suchitepequez. (Note: These numbers do not add up to 668 -- it appears that the 9 minors reported in Antigua, Sacatepequez, were mistakenly counted in the 411 figure for Guatemala province. That still leaves one minor unaccounted for.)

-- A 2002 report by the UN Rapporteur for child sexual exploitation cited an estimate of 2,000 minors being sexually exploited in 600 bars and brothels in the capital city alone. Of these, 1,200 were estimated to be Salvadorans, 500 Hondurans and more than 300 Guatemalans.

**1E.** Victims are subject to violence and threat, but lack funds to return to their home countries. Victims are often young women or children, brought here for sexual exploitation and paid low salaries. A study done by ECPAT in 2004 suggests that fraud and threats are common forms of recruitment. Usually traffickers choose pretty girls from poor families, and the most common "contracting places" are along the borders.

**1F.** Victims trafficked from Guatemala are generally poor people looking for a better life for themselves and their families. The traffickers quite often approach these individuals and offer them jobs that would allow them to make regular remittances back to the family in Guatemala. The main target population for sexual exploitation is minors, both boys and girls, from poor families or orphans. The methods of approach include promises of economic rewards, job in cafeterias or beauty parlors, or jobs in other countries. The means of promotion include flyers, newspaper advertisements, and verbal/personal recommendations. The DePaul University study "In Modern Bondage: Sex Trafficking in the Americas" cites evidence of the following principal forms and agents of trafficking in Guatemala: 1) "deceptions/false promise of employment" by recruiters, intermediaries, and bar/brothel owners; 2) "misadventure" with alien smugglers and truck drivers; 3) abduction by common criminals; and 4) "peer-influenced" (primarily domestic) trafficking by friends and adolescents.

**1G.** Yes. We are convinced that the GOG has the political will at the highest levels to combat trafficking in persons and is making a good faith effort to seriously address trafficking. That political will has repeatedly been expressed by President Berger, Vice President Stein, and Foreign Minister Briz in meetings with the Ambassador. In his January 14 inaugural address, President Berger acknowledged the seriousness of the TIP problem in Guatemala, and pledged to eradicate it. Most recently, the Ambassador met with the GOG anti-TIP interagency group on February 25, in which Vice Minister of Foreign Affairs Altolaguirre explicitly recognized TIP as serious and high priority problem and committed the GOG to continue and redouble its efforts to apply national law and international instruments to do so, using the inter-ministerial group as a coordinating mechanism for an integrated approach. She said that the GOG must give special attention to exploited minor victims of begging networks, in addition to victims of sexual exploitation. She outlined the following actions the GOG will take in the short run to combat TIP, including:

#### Prosecution

-- the GOG is prosecuting several cases involving sexual exploitation of minors which have led to arrests (see below);

-- the GOG in January 2004 created an anti-TIP unit in the Attorney General's Office under the Special Prosecutor for Women. The unit consists of the Special Prosecutor, three auxiliary prosecutors, and one support official. (Note: we will request G/TIP material support for this unit SepTel. End Note.)

-- the Provincial Government of the Department of Guatemala has formed a multi-sectoral group to combat TIP;

-- the GOG will implement a "zero tolerance" policy against TIP by raiding brothels and bars included in the Casa Alianza report in March to rescue victims, and is willing to do the same against others it suspects involve TIP;

-- the Migration Directorate will establish a unit specially dedicated to anti-TIP activities;

## Prevention/Education

- the GOG is willing to take action against TIP in the maquila sector to prevent labor exploitation of women and minors;
- the GOG Presidential Secretariat of Social Communication plans a massive anti-TIP education campaign targeted at high-impact areas;
- the Immigration Directorate will launch in March and April 2004 a campaign to educate the public to the risks of TIP in all border crossings, including how to file a complaint;
- the Foreign Ministry, in coordination with the IOM, developed a training program on international instruments to combat alien smuggling and TIP on July 30-August 1, 2003, for public servants and staff of Guatemala's consulates general in Mexico and the U.S.;
- the Secretariat for Women has developed education campaigns to prevent violence against women, including TIP;
- the GOG has developed a public education campaign and requests that the USG consider supporting this effort with a financial contribution;
- the Police Academy will integrate anti-TIP training into its core curricula for new recruits and mid-level officers in 2004 (with USG technical assistance);
- preventive education on violence toward women and child sexual exploitation has been integrated into primary and secondary curricula, and teachers received training in this area;

## Legislation

- the GOG has drafted legislation to reform the penal code to criminalize and stiffen sanctions for crimes related to TIP, and to meet its international commitments, which is in discussion in the Congress;

## Policy Coordination

- by continuing the Inter-Institutional Group for Cooperation to Combat TIP, which includes the Ministry of Foreign Relations, Government (Interior), Labor, Health, Education, the Presidential Secretariat for Social Welfare, the Presidential Secretariat for Women, the Secretariat for Social Communication, the Office of the Solicitor General, the Attorney General's Office, the Presidential Commission for Human Rights, the Guatemalan Tourism Institute, the Government of the Province of Guatemala, and the Judiciary (Supreme Court). The objectives of the group include prevention, investigation and prosecution, and protection of victims;
- the Ministry of Government, Public Ministry Attorney General's Office) and the judiciary have signed an agreement to cooperate on prosecution of TIP cases;
- the GOG will design and implement a national policy against TIP within the next six months, with IOM assistance.

## Protection

- the Secretariat of Social Welfare provides shelter and integrated services for TIP victims (14 are currently sheltered) referred by Court order, and hopes to open a shelter for TIP victims in Coatepeque, San Marcos province. The GOG is seeking external assistance to renovate a building it owns there;
- the GOG cooperates with an NGO-based program Guardian Angels to help victims;

## Corruption

- the GOG will intensify its efforts against corruption linked to TIP. The group will coordinate its efforts with the GOG's newly-named Transparency Commission.
- the Immigration Directorate has taken actions to combat corruption in its ranks;
- police training already includes US-supported transparency and anti-corruption training;

## Regional Cooperation

- The GOG participates in regional dialogue on this subject, including with its trading partners, through the Regional Conference on Migration, the Central American Commission of Immigration Directors (OCAM), and bilaterally, especially with Mexico;

-- implementation in the short term of the Regional Work Plan To Combat Illegal Migration and TIP of the Regional Conference on Migration, including information sharing on traffickers, their operations and documentation used;

-- implementation of harmonized procedures for the orderly return of minors of CA to fight TIP involving minors;

-- a MOU with Mexico is in the process of approval for the protection of minor victims of TIP and smuggling on the Mexican border, to train public servants to prevent and support minor victims of TIP, promote family reunification and to develop media prevention and information campaigns in high-impact areas;

-- TIP will be on the agenda for President Fox's visit to Guatemala in March 2004;

-- the GOG,s Immigration Directorate and Mexico's Border Police have formed a High-Level Group to strengthen joint efforts top combat organized crime, including TIP;

-- the GOG wishes to broaden the scope of the MOU to include all TIP victims, and include the provision of migratory status for these victims to provide protection;

-- the VIII Guatemala-Mexico Bi-national meeting held in February gave special emphasis to the secure and dignified return program for Central American migrants at the border between Mexico and Guatemala, and Guatemala proposed the inclusion of providing adequate identification with the goal of reducing their vulnerability to becoming victims of TIP;

-- the Council of Women,s Ministries has formed a working group on TIP, according to the Presidential Secretary for Women;

-- Guatemala will continue to consider the inclusion of Mexico as observer in coordination meetings between the Foreign Ministry and the Immigration Directorate.

-- To combat both smuggling and trafficking, an ambitious plan was designed by the Central American Commission of Migration Directors. The plan includes assistance to Guatemalans in foreign nations, assistance to Guatemalan victims who return, reinsertion into society, local development to diminish migration problems, protection of human rights of immigrants, and educational and informational campaigns. The new agreement was signed in March 2001. In July 2001, the Cabinet approved a Plan of Action against Sexual Exploitation of Minors and Adolescents. The Ministry of Foreign Relations has engaged in regular dialogue with Mexico on migration enforcement issues.

-- The GOG is using the immigration service and the national police force, and the new anti-TIP prosecution in the Attorney General's Office to combat trafficking and has had some victories. A computerized entry and exit system has yielded some positive results with respect to combating alien smuggling and should help fight trafficking as well. However, no statistics exist for cases involving trafficking per se. Most deportations were of Ecuadorians in transit to the U.S. who were probably victims of smuggling, rather than of trafficking.

1H. The involvement of government officials in trafficking has not been well documented. However, credible press accounts allege that corruption in the Guatemalan immigration service is widespread and involves the acceptance of bribes to allow individuals and groups to enter the country without proper documentation. Prostitution-related corruption is also alleged in the National Civilian Police.

-- At least four government officials, including a leader of the immigration directorate's union, have been prosecuted for corruption (bribery and illegal transit of persons) in cases involving alien smuggling. Eighty Immigration Directorate employees were fired for cause in 2003. Disciplinary proceedings against officials in the Immigration Directorate involved 46 employees in 2003.

1I. Lack of resources, both manpower and money, is a major limitation to combating this problem, as with narco-trafficking and other trans-border problems. The new government faces a budgetary crisis due to low tax revenue which it is attempting to address through tax reform. In the meantime, all government agencies are facing very austere budgets. With unlimited social needs and acute demands on scarce resources, providing new resources to combat trafficking is very difficult. Corruption has been pervasive throughout the GOG in the past.

14. (SBU) Prevention:

1A. Yes. See para 3.G., above.

-- The GOG has also acknowledged a related problem, the sexual exploitation of minors. In July 2001, the Cabinet approved a National Plan of Action Against the Sexual and Commercial Exploitation of Children and Adolescents in Guatemala. The Plan's strategic objectives include: 1) survey social, economic, political, and social conditions contributing to the problem, 2) assist and rehabilitate victims, 3) apply justice and eliminate corruption facilitating exploitation, and 4) increase awareness of the problem and advance the plan. The Presidential Secretariat for Social Welfare developed the plan in cooperation with other government agencies.

-- The Director General of Guatemalan Migration has acknowledged that trafficking in persons is a problem. Every day Mexican authorities deport approximately 450 people from Central and South American through the border at El Carmen, Guatemala. Many of these people claim they had been taken with the promise that they would be able to enter the U.S. In Mexico, some are obligated to work with no pay; others are prostituted. The majority, however, are probably victims of alien smuggling rather than trafficking.

**1B.** The following government agencies are involved in the anti-trafficking efforts: The Director General of Migration, the Ministry of Foreign Relations; the Presidential Secretariat of Social Welfare; the National Civilian Police;

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the Labor Ministry; the Education Ministry; the Public Ministry (Attorney General's Office), including the Prosecutor for Women and its anti-TIP unit; the Presidential Secretariat for Women; the Presidential Human Rights

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Commission; the Presidential Secretariat for Social Communication; the National Tourism Institute; the Office of the Solicitor General; the judiciary (Child and Adolescent Courts); and the provincial government of Guatemala.

**1C.** The Immigration Directorate will launch a campaign to educate the public to the risks of TIP in all border crossings, including how to file a complaint;

-- the GOG's Presidential Secretariat for Social Communication has developed (but not yet implemented) a massive public education campaign to increase public awareness and inform victims how to file a complaint, focused on high-impact areas (and requests that the USG consider supporting this effort financially);

-- the Secretariat for Women has developed education campaigns to prevent violence against women;

-- In 2003, the Embassy Public Affairs Office sponsored a press briefing on TIP involving G/TIP and Embassy anti-TIP officials, and EmbOffs participated in radio programs highlighting the risks of TIP. In 2000-01 the Embassy Public Affairs Office, with \$40,000 from INS, produced three radio and three television spots. The announcements ran heavily during these two months. In June 2000, Public Affairs sponsored visits by two Guatemalan journalists on an INS "border tour" to report on the dangers of trusting alien smugglers ("coyotes"). A 10-day training program for four radio journalists from the border province of Huehuetenango in January 2002 and a similar program in Quetzaltenango province in 2003 had a similar emphasis. The journalists have helped to spread Embassy's message discouraging travel with smugglers.

-- The UN Rapporteur for Violence Against Women visited Guatemala in February, 2004 and denounced all forms of violence against women, including TIP.

**1D.** The Human Rights Ombudsman's office maintains an Office in Defense of Displaced and Migrant Populations, which investigates cases of trafficking. The Ombudsman's Office also sponsored public information campaigns during 2002 warning intending migrants of the risks of illegal immigration and trafficking. Other governmental offices are dedicated to the Defense of Indigenous Women, which provides legal advice to indigenous women victims of domestic violence and abuse, children's rights, and women's issues; none reported involvement in cases of trafficking during the period of this report.

-- The GOG's Presidential Secretariat of Social Welfare coordinated GOG cooperation with civil society groups including religious, private, and international NGOs under the National Plan of Action to Combat Sexual Exploitation of Minors;

-- With ILO/IPEC support the Presidential Secretariat of Social Welfare has provided education materials on child sexual exploitation to the primary and secondary school

system.

-- The GOG, with assistance from USDOL, will launch a program in 2004 to encourage school participation and reduce child labor. The GOG cooperates with several ILO programs focused on reducing child labor by sector (e.g. for sexual exploitation, broccoli production, gravel production, fireworks production).

**1E.** Government resources are severely strained and inadequate in many areas, including combating trafficking. Prevention programs for TIP are still in the planning stages, although the GOG has announced several prevention programs set to start this year (see above). The GOG has requested international assistance to help fund some of these efforts.

**1F.** Many NGOs are working on gathering information, providing assistance, and preventing trafficking. There are NGOs working at the Guatemala-Mexico border, and national and international human rights organizations working with women, children and migrants (e.g. UNICEF, Casa Alianza, ECPAT, PRONICE). The ILO/IPEC project to prevent child sexual exploitation funds ECPAT to coordinate between the GOG Secretariat of Social Welfare programs and Casa Alliance's

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assistance programs for victims. UNICEF provided training on the prevention of violence and handling child victims to 400 justices of the peace between June and December 2003.

-- The GOG (through its border consulates, the Human Rights Ombudsman's Office, the Supreme Court, INTERPOL, Presidential Human Rights Commission, Presidential Secretariat for Social Welfare, Labor Ministry, Presidential Secretariat for Women, Solicitor General's Office) has actively participated in two bi-national meetings with NGOs in Guatemala and Mexico to share experiences on child migrants and sexual exploitation of minors on the Guatemalan-Mexican border, in May 2003 in San Marcos province, Guatemala, and in December 2003 in Tapachula, Chiapas state, Mexico.

**1G.** Guatemala's borders are poorly policed and corruption is rampant on both sides. The computerized entry-exit system is helping at the legal crossing points, but there are many illegal crossing points available. Mexico deported more than 170,000 Central Americans (including 81,361 Guatemalans) from Chiapas in 2003. While Guatemalan deportees are left at the Mexico-Guatemalan border, other Central American deportees from Mexico are transported to the borders of El Salvador and Honduras under a cooperative program between U.S., Mexican and Guatemalan immigration authorities.

**1H.** Yes. The GOG created an Inter-Institutional Cooperation Group to Combat TIP. The membership is listed in 3.G., above.

-- The government has a de facto anti-TIP task force, organized in 2003 and continued by the new government, which is comprised of key law enforcement agencies including the Ministry of Government (Immigration Directorate and National Civilian Police), and the Public Ministry-Prosecutor for Women anti-TIP unit) which is committed to work jointly on anti-TIP operations. The judiciary is also nominally involved in the task force.

-- In February 2004, the Immigration Director announced the creation of a task force involving the Government Ministry (Immigration Directorate and the National Civilian Police), the Public Ministry, and the judiciary (see above).

-- The National Association for Guatemalan Migrants represents NGOs involved in migrant issues, including TIP. This and other groups work together on human rights issues with the Presidential Coordinator of Human Rights in Guatemala.

-- The new government formed a Transparency Commission to prevent corruption and investigate cases. A Presidential Commissioner for Transparency is leading this effort.

**1I.** Yes. The Regional Commission of Central American Migration Directors (OCAM) meets regularly to discuss issues including trafficking. The International Migration Organization (IOM) has a regional office in Guatemala, and cooperates with the government on several bilateral projects to combat trafficking. Guatemala is a member of the 11-member Regional Conference on Migration, which meets semi-annually.

**1J.** No, but it has announced plans to develop one over the next six months (see 3.G., above). It does have a National Action Plan to Combat the Sexual Exploitation of Children and Adolescents, as mentioned above.

**1K.** As described above, various entities are coordinated by the Ministry of Foreign Affairs in an inter-institutional group to combat TIP.



15. (SBU) Investigation and Prosecution of Traffickers:

1A. Guatemala has several laws that specifically prohibit the trafficking and smuggling of persons, including the Law of Immigration of 1998 (Legislative Decree 95-98), Article 194 of the Criminal Code, the Integral Protection of Children law approved in 2003, and several articles of the migration code.

In addition, there are other laws in the penal code that could be applicable (for pimping, corruption of minors, and "ruffianism"). The migration law sanctions those contracting illegal aliens with prison terms of two to five years, increased by one third when the crime is committed by government officials. The crime of transporting illegal aliens is punished by prison terms of from three to six years. The penal code also regulates coercion and the sexual abuse of women against their will.

-- Guatemala signed and the Congress approved the anti-TIP Protocol to the Palermo Convention in September 2003. The GOG's articles of adhesion have been approved by the Foreign Ministry and await Presidential signature.

-- Congress passed a Law for Integral Protection of Children and Adolescents June 4, 2003, implementing Guatemala's commitment under the UN Convention on the Rights of the Child, declaring in Article 50 that "Children and adolescents have the right to protection against kidnapping, smuggling, sale and trafficking in persons for whatever reason or in whatever form. The State must develop national, bilateral and multilateral activities and strategies sufficient to prevent these crimes."

-- Forced Labor is prohibited in the Constitution.

-- Legislative reforms to punish violence against women are pending in Congress.

-- The GOG informed the Embassy in February that it intends to submit legislative reforms to the penal code to stiffen sanctions against TIP and is already in discussion with the Congress about this.

-- The ILO's Program to Eliminate Child Labor has drafted penal code reforms stiffening the penalty for TIP to 5-10 years imprisonment and will launch a lobbying effort in Congress March 4.

-- The Embassy has shared the USG's model anti-TIP legislation with the GOG, ILO/IPEC and interested NGOs.

1B. The penalty for traffickers is 1-3 years in prison, plus a fine of 2,500-15,000 quetzals (\$320-1,923 at current exchange rates). Penalties are increased by 2/3 if the victim is under 12, if the act was done with the intention to make a profit, or if the act included use of deceit, violence or abuse of authority.

1C. The penalty for rape is 2-6 years, and the penalty for forcible assault is 2-5 years.

1D. Sandra Zayas, the Prosecutor for Women and head of the brand new anti-TIP Unit in the Public Ministry, has requested any existing cases from other provincial prosecutors offices, and provided information on several current cases under investigation/prosecution:

-- Case No. 9023-03 and Case No. 10395-03, both in the Escuintla district, and both still under investigation. (Note: She provided no further details about these cases. End Note.)

-- A case under investigation by the Prosecutor for Women, involving three Russian women (not minors) involved in prostitution. Luis Santiago Marroquin Jerez was arrested on November 21 and released on bail by a judge on November 26. The case is still in the preparatory phase.

-- In addition, we are aware of two other cases involving minors in prostitution; (Note: the Embassy shared information about the cases with Prosecutor Zayas on February 125. End Note.);

-- On Feb. 18, 2004, Luis Enrique Estrada Navas, 68 years old, was arrested in a bar he was managing called "Sinaloa" in Cuilapa, Santa Rosa province. He was charged with aggravated pimping and held by order of the justice of the peace at the Cuilapa Maximum Security prison. Vicky Marylin Corado Aparicio, a 13-year-old Salvadoran, was rescued from prostitution in that bar and sheltered by court order in a government shelter in Antigua run by the Secretariat for Social Welfare.

-- On October 29, 2003, Pablo Alexander Hernandez Castillo, a 28-year-old Nicaraguan, was arrested in the Bar "Illusions" in Villa Canales, Guatemala province, for his involvement in

the prostitution of Maryln Karina Hernandez Monterroso, a 17-year-old Guatemalan.

**E.** ECPAT, in a report on TIP in Guatemala for the Regional TIP Workshop January 26-30, 2004, asserts that organized crime networks of traffickers for sexual exploitation and sexual tourism operate in Guatemala (the latter principally for Asian clients in the capital).

**F.** The GOG investigates cases of trafficking, but the victims usually do not press charges. Usually, the victims of these crimes are women or minors, poor, and uneducated. Access to the justice system for these people, while improving, is still low. In addition, lack of resources, and lack of training limit the ability of the National Civilian Police and the prosecutors to perform investigations. Undercover agents are not allowed under current law, racketeering statutes do not exist, and the surveillance of communications has been determined by the courts to be unconstitutional. This makes investigations of trafficking organizations more difficult. There is some hope for reform in this area, however. To implement a GOG-UN agreement to create a Commission to Investigate Clandestine Groups, legislation to strengthen law enforcement to permit more robust investigations will be promoted in Congress.

**G.** In February 2004, the chief of the police academy agreed to integrate anti-TIP training into the curricula for new police recruits and mid-level police training. The USG will provide train-the-trainer assistance to implement this initiative in March 2004. In addition, the USG will provide this anti-TIP training to GOG immigration, prosecutorial and judicial officials.

**H.** In the Regional Conference on Migration and in bilateral agreements with Mexico, the GOG has pledged to cooperate with neighboring governments in the investigation and prosecution of trafficking cases. We are not aware of any such efforts to date. The non-binding Central American Parliament has also promoted anti-TIP cooperation amongst Central American governments.

**I.** Extradition, including the extradition of Guatemalan nationals, is allowed under the Guatemalan constitution and in various treaties and conventions. We are unaware, however, of any pending extradition requests for trafficking in persons.

**J.** There is no evidence to suggest that the Guatemalan Government is involved in trafficking, except through the acts of corruption of individual officials.

**K.** The GOG has attempted to curb large-scale corruption and collusion with prostitution rings along its western border with Mexico by rotating police there every three months, and by prosecuting corrupt immigration officials (four in 2003).

**L.** The ILO Convention 182 concerning the prohibition and immediate action for elimination of the worst forms of child labor was approved and ratified on August 21, 2001, and the instrument of ratification was deposited on October 5, 2001. It entered into effect internationally for Guatemala on October 11, 2002.

The GOG has signed and ratified ILO Conventions 29 (1989) and 105 (1959) on forced or compulsory labor.

The "Sale of Children Protocol" supplementing the rights of the child convention, was approved by decree 76-2001 of the Congress of Guatemala on December 11, 2001.

The "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," supplementing the UN convention against transnational crime, was signed and ratified by the GOG in 2003, but its instruments of adherence to the Protocol await Presidential signature.

Guatemala signed (September 7, 2000) and ratified (April 30, 2002) the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

#### **16. (SBU) Protection and Assistance to Victims:**

**A.** The GOG in 2003 announced plans to construct shelters for deportees along the Guatemala-Mexico border (and requested USG support), but those shelters are not functioning. The Secretariat for Social Welfare runs a series of shelters for

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child victims, including TIP victims. The Public Ministry assists victims of crime through offices in all provincial capitals and major cities. Assistance to victims of sexual assault consists of medical, psychological, and social counseling and assistance. The Criminal Investigative Division of the National Police also provides referral



services to victims, and investigates sex crimes that may involve trafficking.

In 2002-3, the USG provided support totaling \$110,000 to the NGO "Casa de la Mujer" for occupational training to trafficked women along the Mexican-Guatemalan border. USAID is in the process of planning a project to provide support to a regional network of NGOs providing assistance and vocational training to TIP victims.

1B. We are not aware of GOG funding to foreign or domestic NGOs for services to victims.

1C. Undocumented foreigners are deported and given 72 hours to depart, but many stay in Guatemala. Victims of trafficking are not prosecuted.

1D. In the past, victims were not actively encouraged to file civil suits or to seek legal action against traffickers. However, in February the Immigration Directorate announced a campaign to encourage foreign victims to file a complaint.

1E. The GOG does not normally provide protection to witnesses that come forward. In exceptional cases involving threats against witnesses, the Public Ministry provides police protection during and for a period after trials.

1F. The government provides specialized training for police and Public Ministry officials serving victims. Training for embassies and consulates in foreign countries is also being contemplated, but is not yet in place. The GOG encourages its embassies and consulates to work with NGOs that serve trafficked victims.

1G. The Public Ministry, with assistance from USAID, opened pilot victims, assistance centers in the capital in 2000 and expanded the program to include all provincial capitals and major cities in 2001. The centers are staffed by a social worker training in victim assistance, with access to medical care, rape test kits, evidence preservation, and follow-up legal and psychological counseling. The centers are available to victims of trafficking as well as other crimes. The Criminal Investigative Division of the National Police also provides services to victims and investigates crimes of trafficking.

1H. The major NGOs that work with trafficking victims are "Pastoral del Migrante" from the Catholic Archbishop's office, "Casa del Migrante" in Tecun Uman and "Casa Alianza" in the capital. The NGOs provide shelter and medical and legal assistance.

17. (U) Embassy POC for TIP-related issues is Political Officer Erik Hall, who can be reached at (502) 331-1541 ext. 4635; fax: (502) 334-8474. Number of hours spent preparing this report: 80. Ambassador, DCM and various other Embassy officers also participated in numerous meetings with the GOG on this issue.

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